

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ORLANDO REYES, et. al.
Plaintiffs

v.

MUNICIPALITY OF GUAYNABO,
et. al.
Defendants

Civil No. 98-1057(SEC)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

MOTION	RULING
Docket #47 Motion Under Local Rule 108.1 for Leave to File Documents in the Spanish Language Pending Translation	Granted.
Docket #48 Motion Adopting Motion for Summary Judgment Submitted by the Municipality of Guaynabo	Granted.
Docket #52 Motion Requesting Granting of Summary Judgment and Dismissal of the Complaint with Prejudice	Denied, for the reasons stated below.
Docket #53 Motion Requesting Remedy	The court has considered all the documents filed by the parties on this issue, (Dockets # 52, 53, 54 and 58), and finds that the most equitable solution to this impasse is to GRANT leave for the taking of Vidal Reyes-Rosado's ("Vidal") deposition. Although Plaintiffs' attempt to take Vidal's deposition was untimely, their negligence was apparently induced by their overconfidence in the success of the settlement negotiations that were in fact being carried out. <u>See</u> Docket #37. In addition, the Court finds that Plaintiff's counsel did not fraudulently conceal evidence to surprise the defendants at trial, in violation of Fed.R.Civ.P. 26(e) and 37(c)(1). Therefore, the Court ORDERS that Vidal Reyes-Rosado make himself available for the taking of his deposition within twenty (20) days of this order. In addition, Plaintiffs shall file their opposition to the Defendants' motion for summary judgment, (Docket # 46), within 20 days after the taking of Vidal's deposition. Any replies must be filed within ten days afterwards.

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MOTION


RULING

Docket #57

Moot.

**Motion Requesting Extension of Time
to File Reply**

DATE: August 8TH, 2000


SALVADOR E. CASELLAS
United States District Judge